

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6031

BILL NUMBER: SB 3

NOTE PREPARED: Sep 23, 2011

BILL AMENDED:

SUBJECT: Habitual Offender Charge Filing Deadline.

FIRST AUTHOR: Sen. Head

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: No Fiscal Impact

Summary of Legislation: This bill allows an indictment or information to be amended to include a habitual offender charge at any time before trial if the amendment does not prejudice the substantial rights of the defendant. (Current law provides that an amendment of an indictment or information to include a habitual offender charge must be made: (1) not later than 10 days after the omnibus date; or (2) upon a showing of good cause, at any time before the trial.)

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill should have no substantive effect on court proceedings.

Background Information- Persons who are convicted of a felony and have been convicted of two prior unrelated felonies can be sentenced to an additional term of prison because they are considered "habitual offenders". The Department of Correction (DOC) identified the following offenders as habitual offenders who were committed to DOC in each of the past four calendar years.

Habitual Offenders Committed to DOC by Calendar Year			
2007	2008	2009	2010
316	282	366	332

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts with criminal jurisdiction; Prosecuting attorneys office.

Information Sources: DOC.

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